

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

400E0689

HOUSE BILL NO. 1204

Introduced by: Representatives Peterson (Bill), Eccarius, Hansen (Tom), Heineman,
McCaulley, and Wick and Senators Staggers, Brown (Arnold), Drake,
Everist, Hainje, and Ham

1 FOR AN ACT ENTITLED, An Act to provide for certain combined school and municipal
2 elections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-13-1 be amended to read as follows:

5 9-13-1. In every municipality an annual election for the election of officers shall be combined
6 with the election in each school district and shall be held on the second Tuesday of April of each
7 year, at such place ~~in each ward of the municipality~~ as the governing body shall designate. The
8 polls at such election shall be kept open continuously from eight ~~o'clock in the forenoon~~ a.m.
9 until seven ~~o'clock in the evening~~ p.m. However, the governing body of the municipality may,
10 by ordinance, provide for the opening of the polls at seven ~~o'clock~~ a.m.

11 Section 2. That § 9-13-1.1 be amended to read as follows:

12 9-13-1.1. ~~Any other provision of this chapter notwithstanding, the members of the governing~~
13 ~~body of a municipality may choose to hold a general municipal election in conjunction with a~~
14 ~~regular school district election. The combined election is subject to approval by the governing~~

body of the school district. The combined election shall be held on the regular date set for either the general municipal election or the school district election and all dates associated with either election pursuant to chapters 9-13 and 13-7 shall be adjusted accordingly. Expenses of a combined election shall be shared in a manner agreed upon by the governing bodies of the municipality and the school district. All other governmental responsibilities associated with holding elections under the provisions of chapters 9-13 and 13-7 shall be shared as agreed upon by the governing bodies. If no agreement is reached on how to share expenses, the expenses of the combined election shall be allocated pro rata based on the number of registered voters in each jurisdiction.

Section 3. That § 9-13-1.2 be repealed.

~~9-13-1.2. If the joint election provided for in §§ 9-13-1.1 and 13-7-10.1 is held on the third Tuesday in June, all dates associated with the election are those provided in chapter 13-7.~~

Section 4. That § 9-13-40 be amended to read as follows:

9-13-40. Any other provision of this chapter notwithstanding, the members of the governing body of a municipality may choose to hold a municipal election on the first Tuesday in June if the school district in which the municipality is located and all other municipalities in the school district choose to have a combined election on the first Tuesday in June. The finance officer shall publish the notice required in § 9-13-6 between February fifteenth and March first. No nominating petition may be circulated for signature until March first. Nominating petitions shall be filed under the provisions of § 9-13-7 by the first Tuesday in April. All other governmental responsibilities associated with holding elections under the provisions of chapter 9-13 shall be met by the municipality.

Section 5. That § 13-7-5 be amended to read as follows:

13-7-5. Between the first day and the fifteenth day of the month two months preceding the

1 ~~election, except in the case of the joint election as provided in § 13-7-10.1~~ twenty-fifth day of
2 January and the tenth day of February, the business manager of each school district shall publish
3 once each week for two consecutive weeks in the official newspaper, a notice setting forth the
4 vacancies which will occur by termination of the terms of the elective or appointive school board
5 members. The notice shall also state the time and place where nominating petitions for school
6 board membership may be filed for the vacancies.

7 Section 6. That § 13-7-6 be amended to read as follows:

8 13-7-6. No candidate for elective school board membership may be nominated unless ~~such~~
9 the person is a resident voter of the school district and unless a nominating petition has been filed
10 on ~~such~~ the person's behalf with the business manager of the school district. The nominating
11 petition shall be filed no later than five p.m. on the second Friday ~~four weeks in March~~ before
12 the date of the election. The petition is considered filed if it is mailed by registered or certified
13 mail by five p.m. on the second Friday ~~four weeks in March~~ before the election. A formal
14 declaration of a candidate shall be signed by the candidate before the circulation of the petition.
15 The petition shall be signed by not less than twenty voters of the school district or if the school
16 district is divided into school board representation areas, the petition shall be signed by not less
17 than twenty voters who reside within the school board representation area. No petition may be
18 circulated until ~~eight weeks~~ the second Friday in February prior to the election. There shall be
19 added by either the signer or the circulator the signer's place of residence and date of signing.
20 The petition shall be verified under oath by the person circulating it. The filing of the nominating
21 petition ~~shall constitute~~ constitutes nomination and ~~will entitle~~ entitles the candidate to have the
22 candidate's name placed on the ballot for the term the candidate desires only upon verification
23 signed by the business manager that the nominating petition contains the minimum number of
24 signatures and that the candidate is a resident voter.

Section 7. That § 13-7-10 be amended to read as follows:

13-7-10. The annual election for school districts shall be ~~held between~~ combined with the
election in each municipality within a school district and shall be held on the second Tuesday in
April and the third Tuesday in June between the hours of eight o'clock in the morning a.m. and
seven o'clock in the afternoon p.m. of the day of the election. ~~The school board shall select the~~
~~date of the election by resolution no later than the first regular meeting after January first of each~~
~~year.~~ The school board may also, by resolution, provide for the opening of the polls at seven
o'clock a.m. Voter registration, absentee voting, and procedures used in counting ballots shall
be in accordance with Title 12 except as specifically provided in chapter 13-7.

Section 8. That § 13-7-10.1 be amended to read as follows:

13-7-10.1. ~~The members of the governing body of a school district may choose to hold a~~
~~general school district election in conjunction with a regular municipal election. The combined~~
~~election is subject to approval by the governing body of the municipality. The combined election~~
~~shall be held on the regular date set for either the school district election or the general municipal~~
~~election.~~ Expenses of a combined election shall be shared in a manner agreed upon by the
governing bodies of the municipality and the school district. All other governmental
responsibilities associated with holding elections under the provisions of chapters 9-13 and 13-7
shall be shared as agreed upon by the governing bodies. If no agreement is reached on how to
share expenses, the expenses of the combined election shall be allocated pro rata based on the
number of registered voters in each jurisdiction.

Section 9. That § 13-7-10.2 be repealed.

~~13-7-10.2. If the joint election provided for in § 13-7-10.1 is held on the second Tuesday~~
~~in April, between the twenty-fifth day of January and the tenth day of February, the business~~
~~manager of each school district shall publish once each week for two consecutive weeks in the~~

1 ~~official newspaper, a notice setting forth the vacancies which will occur by termination of the~~
2 ~~terms of the elective or appointive school board members. The notice shall also state the time~~
3 ~~and place where nominating petitions for school board membership may be filed for the~~
4 ~~vacancies.~~

5 ~~— No candidate for elective school board membership may be nominated unless the candidate~~
6 ~~is a resident voter of the school district and unless a nominating petition has been filed on the~~
7 ~~candidate's behalf with the business manager of the school district no later than the second Friday~~
8 ~~in March at five p.m. prior to the date of the election. If the petition is mailed by registered mail~~
9 ~~by the second Friday in March at five p.m. before the election, it shall be considered filed. A~~
10 ~~formal declaration of a candidate shall be signed by him before the circulation of the petition. The~~
11 ~~petition shall be signed by not less than twenty voters of the school district. No petition may be~~
12 ~~circulated until the second Friday in February before the election. There shall be added by either~~
13 ~~the signer or the circulator the signer's place of residence and date of signing. The petition shall~~
14 ~~be verified under oath by the person circulating the petition. The filing of the nominating petition~~
15 ~~shall constitute nomination and will entitle the candidate to have the candidate's name placed on~~
16 ~~the ballot for the term the candidate desires only upon verification signed by the business~~
17 ~~manager that the nominating petition contains the minimum number of signatures and that the~~
18 ~~candidate is a resident voter.~~

19 ~~— Publication of the notice of the election provided for in § 13-7-10.1 shall be in accordance~~
20 ~~with § 13-7-8.~~

21 Section 10. That § 13-7-10.3 be amended to read as follows:

22 13-7-10.3. Any other provision of this chapter notwithstanding, the school board may choose
23 to hold the school board election in conjunction with the regular June primary election instead
24 of with the annual municipal election. The combined election is subject to approval by the county

1 commissions of the counties in which the school district is located. Expenses of a combined
2 election shall be shared in a manner agreed upon by the school board and the county
3 commissions involved. All other governmental responsibilities associated with holding elections
4 under the provisions of chapter 13-7 and Title 12 shall be shared as agreed upon by the
5 governing bodies. The school's election official shall publish the notice provided in § 13-7-5
6 between February fifteenth and March first. No nominating petition may be circulated for
7 signatures until March first. Nominating petitions shall be filed under the provisions of § 13-7-6
8 by the first Tuesday in April. The school election official shall certify to the appropriate county
9 auditor the candidate names and ballot language to be voted on by the first Friday after the first
10 Tuesday in April. Municipalities within a school district which conducts a combined election
11 under this section are not required to participate in a combined election.

12 Section 11. That chapter 13-7 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any other provision of this chapter notwithstanding, the members of a district's school board
15 may choose to hold a school election on the first Tuesday in June if all the municipalities in the
16 school district choose to have a combined election on the first Tuesday in June. The business
17 manager shall publish the notice required in § 13-7-5 between February fifteenth and March first.
18 No nominating petition may be circulated for signature until March first. Nominating petitions
19 shall be filed under the provisions of § 13-7-6 by the first Tuesday in April. All other
20 governmental responsibilities associated with holding elections under the provisions of chapter
21 13-7 shall be met by the school district.